

Sanchez, Loretta Solis
 Sanders Souder
 Sandlin Spratt
 Saxton Stark
 Schakowsky Stearns
 Schiff Stenholm
 Schrock Strickland
 Scott (GA) Stupak
 Scott (VA) Sweeney
 Sensenbrenner Tancred
 Serrano Tanner
 Sessions Tauscher
 Shadegg Tauzin
 Shaw Taylor (MS)
 Shays Taylor (NC)
 Sherman Terry
 Sherwood Thompson (CA)
 Shimkus Thompson (MS)
 Shuster Thornberry
 Simmons Tiahrt
 Simpson Tiberi
 Skelton Tierney
 Slaughter Towns
 Smith (MI) Turner (OH)
 Smith (NJ) Turner (TX)
 Smith (TX) Udall (CO)
 Snyder Udall (NM)

NAYS—1

Paul

NOT VOTING—17

Andrews Fletcher
 Bishop (NY) Gephardt
 Collins Hoeft
 Cubin Isakson
 DeMint Johnson, Sam
 Ehlers Keller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAIRNESS TO CONTACT LENS
CONSUMERS ACT

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 3140, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 3140, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 12, not voting 16, as follows:

[Roll No. 644]

YEAS—406

Abercrombie Barrett (SC) Bishop (UT)
 Ackerman Bartlett (MD) Blackburn
 Aderholt Barton (TX) Blumenauer
 Akin Bass
 Alexander Beauprez Boehlert
 Allen Becerra Boehner
 Baca Bell Bonilla
 Bachus Bereuter Bonner
 Baird Berkley Bonner
 Baker Berman Boozman
 Baldwin Biggart Boswell
 Ballance Bilirakis Boucher
 Ballenger Bishop (GA) Boyd

Bradley (NH) Graves
 Brady (PA) Green (TX)
 Brady (TX) Green (WI)
 Brown (OH) Greenwood
 Brown (SC) Grijalva
 Brown, Corrine Gutierrez
 Brown-Waite, Hall
 Ginny Harman
 Burgess Harris
 Burns Meek (FL)
 Burr Meeks (NY)
 Burton (IN) Menendez
 Buyer Hastings (FL)
 Calvert Hastings (WA)
 Camp Hayes
 Cannon Hayworth
 Cantor Hefley
 Capito Hensarling
 Capps Herger
 Capuano Hill
 Cardin Hinchey
 Carson (IN) Hinojosa
 Carson (OK) Hobson
 Carter Holden
 Case Holt
 Castle Honda
 Chabot Hooley (OR)
 Chocola Hostettler
 Clay Houghton
 Clyburn Hoyer
 Coble Hulshof
 Cole Hunter
 Conyers Hyde
 Cooper Inslee
 Costello Israel
 Cramer Issa
 Crane Istook
 Crenshaw Jackson (IL)
 Crowley Jackson-Lee
 Culberson (TX)
 Cummings Janklow
 Cunningham Jefferson
 Davis (AL) Jenkins
 Davis (CA) John
 Davis (FL) Johnson (CT)
 Davis (IL) Johnson (IL)
 Davis (TN) Johnson, E. B.
 Davis, Tom Jones (NC)
 Deal (GA) Jones (OH)
 DeFazio Kanjorski
 DeGette Kaptur
 Delahunt Keller
 DeLauro Kelly
 DeLay Kennedy (MN)
 Deutsch Kennedy (RI)
 Diaz-Balart, L. Kildee
 Diaz-Balart, M. Kilpatrick
 Dicks Kind
 Dingell King (IA)
 Doggett King (NY)
 Dooley (CA) Kingston
 Doolittle Kirk
 Doyle Kleczka
 Dreier Kline
 Duncan Knollenberg
 Dunn Kolbe
 Edwards Kucinich
 Emanuel LaHood
 Emerson Lampson
 Engel Langevin
 English Lantos
 Eshoo Larsen (WA)
 Evans Larson (CT)
 Everett Latham
 Farr LaTourette
 Fattah Leach
 Feeney Lee
 Ferguson Levin
 Filner Lewis (CA)
 Foley Lewis (GA)
 Forbes Lewis (KY)
 Ford Linder
 Fossella Lipinski
 Frank (MA) LoBiondo
 Frelinghuysen Lofgren
 Frost Lowey
 Gallegly Lucas (KY)
 Garrett (NJ) Lucas (OK)
 Gerlach Lynch
 Gibbons Majette
 Gilchrist Maloney
 Gillmor Manzullo
 Gingrey Markey
 Gonzalez Marshall
 Goode Matheson
 Goodlatte Matsui
 Gordon McCarthy (MO)
 Goss McCarthy (NY)
 Granger McCollum
 McCotter
 McCreary

McDermott
 McGovern
 McHugh
 McInnis
 McIntyre
 McKeon
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Menendez
 Mica
 Michaud
 Millender-
 McDonald
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mollohan
 Moore
 Moran (VA)
 Murphy
 Murtha
 Musgrave
 Myrick
 Nadler
 Napolitano
 Neal (MA)
 Nethercutt
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle
 Oberstar
 Obey
 Olver
 Ortiz
 Osborne
 Ose
 Otter
 Owens
 Oxley
 Pallone
 Pascarell
 Pastor
 Payne
 Pearce
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Pomo
 Pomeroy
 Porter
 Portman
 Price (NC)
 Pryce (OH)
 Putnam
 Quinn
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Renzi
 Reyes
 Reynolds
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Royce
 Ruppersberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryun (KS)
 Sabo
 Sanchez, Linda
 Sanchez, Loretta
 Sanders
 Sandlin
 Saxton
 Schakowsky

Schiff
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Snyder
 Solis
 Souder
 Spratt
 Stark
 Stearns
 Stenholm

NAYS—12

Berry
 Davis, Jo Ann
 Etheridge
 Flake
 Franks (AZ)
 Gutknecht
 Hoekstra
 Moran (KS)
 Paul
 Schrock
 Shadegg
 Smith (MI)

NOT VOTING—16

Andrews
 Bishop (NY)
 Cardoza
 Collins
 Cox
 Cubin
 DeMint
 Ehlers
 Fletcher
 Gephardt
 Hoeft
 Isakson
 Johnson, Sam
 Smith (WA)
 Sullivan
 Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY) (during the vote). Two minutes remain in this vote.

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 1078

Mr. BARRETT of South Carolina. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 1078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MAKING IN ORDER AT ANY TIME
CONSIDERATION OF H.R. 253, TWO
FLOODS AND YOU ARE OUT OF
THE TAXPAYERS' POCKET ACT
OF 2003

Mr. FOLEY (during debate on motion to instruct on H.R. 1). Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House the bill H.R. 253; the bill shall be considered as read for amendment; in lieu of the amendment recommended by the Committee on Financial Services now printed in the bill, an amendment in the nature of a substitute and numbered one printed in the CONGRESSIONAL RECORD of November 19, 2003, shall be considered as adopted; the previous question shall be

considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except:

(1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services;

(2) a further amendment in the nature of a substitute now at the desk, if offered by the gentleman from Louisiana (Mr. BAKER) or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and

(3) one motion to recommit with or without instructions.

Further, that the amendment placed at the desk be considered as read for purposes of this unanimous consent request.

The text of the amendment in the nature of a substitute is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 253, AS REPORTED, OFFERED BY MR. BAKER OF LOUISIANA

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flood Mitigation Reform Act of 2003".

SEC. 2. EXTENSION OF PROGRAM AND CONSOLIDATION OF AUTHORIZATIONS.

The National Flood Insurance Act of 1968 is amended as follows:

(1) **BORROWING AUTHORITY.**—In the first sentence of section 1309(a) (42 U.S.C. 4016(a)), by striking "through December" and all that follows through ", and" and inserting the following: "through the date specified in section 1319, and".

(2) **AUTHORITY FOR CONTRACTS.**—In section 1319 (42 U.S.C. 4026), by striking "after" and all that follows and inserting "after September 30, 2008".

(3) **EMERGENCY IMPLEMENTATION.**—In section 1336(a) (42 U.S.C. 4056(a)), by striking "during the period" and all that follows through "in accordance" and inserting "during the period ending on the date specified in section 1319, in accordance".

(4) **AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.**—In section 1376(c) (42 U.S.C. 4127(c)), by striking "through" and all that follows and inserting the following: "through the date specified in section 1319, for studies under this title".

SEC. 3. ESTABLISHMENT OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) **IN GENERAL.**—The National Flood Insurance Act of 1968 is amended by inserting after section 1361 (42 U.S.C. 4102) the following new section:

"PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES"

"SEC. 1362. (a) **AUTHORITY.**—To the extent amounts are made available for use under this section, the Director may, subject to the limitations of this section, provide financial assistance to States and communities for taking actions with respect to severe repetitive loss properties (as such term is defined in subsection (b)) to mitigate flood damage to such properties and losses to the National Flood Insurance Fund from such properties.

"(b) **SEVERE REPETITIVE LOSS PROPERTY.**—For purposes of this section, the term 'severe repetitive loss property' has the following meaning:

"(1) **SINGLE-FAMILY PROPERTIES.**—In the case of a property consisting of one to four residences, such term means a property that—

"(A) is covered under a contract for flood insurance made available under this title; and

"(B) has incurred flood-related damage—

"(i) for which four or more separate claims payments have been made under flood insurance coverage under this title before the date of the enactment of the Flood Mitigation Reform Act of 2003, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000;

"(ii) for which four or more separate claims payments have been made under flood insurance coverage under this title after the date of the enactment of the Flood Mitigation Reform Act of 2003, with the amount of each such claim exceeding \$3,000, and with the cumulative amount of such claims payments exceeding \$15,000; or

"(iii) for which at least two separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the property.

"(2) **MULTIFAMILY PROPERTIES.**—In the case of a property consisting of five or more residences, such term shall have such meaning as the Director shall by regulation provide.

"(c) **ELIGIBLE ACTIVITIES.**—Amounts provided under this section to a State or community may be used only for the following activities:

"(1) **MITIGATION ACTIVITIES.**—To carry out mitigation activities that reduce flood damages to severe repetitive loss properties, including elevation, relocation, demolition (with or without reconstruction of the structure in a floodproof manner), and floodproofing of structures, and minor physical localized flood control projects.

"(2) **PURCHASE.**—To purchase severe repetitive loss properties, subject to subsection (f).

"(d) **MATCHING REQUIREMENT.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), the Director may not provide assistance under this section to a State or community in an amount exceeding 3 times the amount that the State or community certifies, as the Director shall require, that the State or community will contribute from non-Federal funds for carrying out the eligible activities to be funded with such assistance amounts.

"(2) **WAIVER.**—

"(A) **AUTHORITY.**—Subject to subparagraph (B), the Director may waive the limitation under paragraph (1) for any State, and for the communities located in that State, with respect to a year, if, for such year—

"(i) 5 percent or more of the total number of severe repetitive loss properties in the United States are located in such State; and

"(ii) the State submits a plan to the Director specifying how the State intends to reduce the number of severe repetitive loss properties and the Director determines, after consultation with State and technical experts, that the State has taken actions to reduce the number of such properties.

"(B) **LIMITATION.**—In each waiver under subparagraph (A), the Director may waive the limitation under paragraph (1) only to the extent that the State or community involved is required to contribute, for each severe repetitive loss property for which grant amounts are provided, not less than 10 percent of the cost of the activities for such properties that are to be funded with grant amounts.

"(3) **NON-FEDERAL FUNDS.**—For purposes of this subsection, the term 'non-Federal funds' includes State or local agency funds, in-kind

contributions, any salary paid to staff to carry out the eligible activities of the recipient, the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

"(e) **STANDARDS FOR MITIGATION OFFERS.**—The program under this section for providing assistance for eligible activities for severe repetitive loss properties shall be subject to the following limitations:

"(1) **PRIORITY.**—In determining the properties for which to provide assistance for eligible activities under subsection (c), the Director shall provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time.

"(2) **OFFERS.**—The Director shall provide assistance in a manner that permits States and communities to make offers to owners of severe repetitive loss properties to take eligible activities under subsection (c) as soon as is practicable.

"(3) **FUNDING REQUIREMENT.**—An offer to provide assistance for any eligible activity under subsection (c) with respect to a property may not be made unless adequate amounts are available in the National Flood Insurance Fund pursuant to subsection (h) for the full amount of the portion of such assistance for such property to be provided by the Director.

"(4) **NOTICE.**—Upon making an offer to provide assistance with respect to a property for any eligible activity under subsection (c), the State or community shall notify each holder of a recorded interest on the property of such offer and activity.

"(f) **PURCHASE PRICE.**—A State or community may take action under subsection (c)(2) to purchase a severe repetitive loss property only if the amount of purchase offer is not less than the greatest of—

"(1) the amount of the original purchase price of the property, when purchased by the holder of the current policy of flood insurance under this title;

"(2) the total amount owed, at the time the offer to purchase is made, under any loan secured by a recorded interest on the property; and

"(3) an amount equal to the fair market value of the property immediately before the most recent flood event affecting the property.

"(g) **INCREASED PREMIUMS IN CASES OF REFUSAL TO MITIGATE.**—

"(1) **IN GENERAL.**—In any case in which the owner of a severe repetitive loss property refuses an offer to take action under paragraph (1) or (2) of subsection (c) with respect to such property, the Director shall—

"(A) notify each holder of a recorded interest on the property of such refusal; and

"(B) notwithstanding subsections (a) through (c) of section 1308, thereafter the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable rate for the property at the time that the offer was made, as adjusted by any other premium adjustments otherwise applicable to the property and any subsequent increases pursuant to paragraph (2) and subject to the limitation under paragraph (3).

"(2) **INCREASED PREMIUMS UPON SUBSEQUENT FLOOD DAMAGE.**—Notwithstanding subsections (a) through (c) of section 1308, if the owner of a severe repetitive loss property does not accept an offer to take action under paragraph (1) or (2) of subsection (c) with respect to such property and a claim payment exceeding \$1,500 is made under flood insurance coverage under this title for damage to

the property caused by a flood event occurring after such offer is made, thereafter the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable rate for the property at the time of such flood event, as adjusted by any other premium adjustments otherwise applicable to the property and any subsequent increases pursuant to this paragraph and subject to the limitation under paragraph (3).

“(3) LIMITATION ON INCREASED PREMIUMS.—In no case may the chargeable premium rate for a severe repetitive loss property be increased pursuant to this subsection to an amount exceeding the applicable estimated risk premium rate for the area (or subdivision thereof) under section 1307(a)(1).

“(4) TREATMENT OF DEDUCTIBLES.—Any increase in chargeable premium rates required under this subsection for a severe repetitive loss property may be carried out, to the extent appropriate, as determined by the Director, by adjusting any deductible charged in connection with flood insurance coverage under this title for the property.

“(5) NOTICE OF CONTINUED OFFER.—Upon each renewal or modification of any flood insurance coverage under this title for a severe repetitive loss property, the Director shall notify the owner that the offer made pursuant to subsection (c) is still open.

“(6) APPEALS.—

“(A) IN GENERAL.—Any owner of a severe repetitive loss property may appeal a determination of the Director to take action under paragraph (1)(B) or (2) with respect to such property, based only upon the following grounds:

“(i) As a result of such action, the owner of the property will not be able to purchase a replacement primary residence of comparable value and that is functionally equivalent.

“(ii) As a result of such action, the preservation or maintenance of any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of historic places will be interfered with, impaired, or disrupted.

“(iii) The flooding that resulted in the flood insurance claims sufficient for the property to be classified as a severe repetitive loss property resulted from significant actions by a third party in violation of Federal, State, or local law, ordinance, or regulation.

“(iv) In purchasing the property, the owner relied upon flood insurance rate maps of the Federal Emergency Management Agency that were current at the time and did not indicate that the property was located in an area having special flood hazards.

“(B) PROCEDURE.—An appeal under this paragraph of a determination of the Director shall be made by filing, with the Director, a request for an appeal within 90 days after receiving notice of such determination. Upon receiving the request, the Director shall select, from a list of independent third parties compiled by the Director for such purpose, a party to hear such appeal. Within 90 days after filing of the request for the appeal, such third party shall review the determination of the Director and shall set aside such determination if the third party determines that the grounds under subparagraph (A) exist. During the pendency of an appeal under this paragraph, the Director shall stay the applicability of the rates established pursuant to paragraph (1)(B) or (2), as applicable.

“(C) EFFECT OF FINAL DETERMINATION.—In an appeal under this paragraph—

“(i) if a final determination is made that the grounds under subparagraph (A) exist, the third party hearing such appeal shall

make a determination of how much to reduce the chargeable risk premium rate for flood insurance coverage for the property involved in the appeal from the amount required under paragraph (1)(B) or (2) and the Director shall promptly reduce the chargeable risk premium rate for such property by such amount; and

“(ii) if a final determination is made that the grounds under subparagraph (A) do not exist, the Director shall promptly increase the chargeable risk premium rate for such property to the amount established pursuant to paragraph (1)(B) or (2), as applicable, and shall collect from the property owner the amount necessary to cover the stay of the applicability of such increased rates during the pendency of the appeal.

“(D) COSTS.—If the third party hearing an appeal under this paragraph is compensated for such service, the costs of such compensation shall be borne—

“(i) by the owner of the property requesting the appeal, if the final determination in the appeal is that the grounds under subparagraph (A) do not exist; and

“(ii) by the National Flood Insurance Fund, if such final determination is that the grounds under subparagraph (A) do exist.

“(E) REPORT.—Not later than 6 months after the date of the enactment of the Flood Mitigation Reform Act of 2003, the Director shall submit a report to the House of Representatives and the Senate describing the rules, procedures, and administration for appeals under this paragraph.

“(H) DISCRETIONARY ACTIONS IN CASES OF FRAUDULENT CLAIMS.—If the Director determines that a fraudulent claim was made under flood insurance coverage under this title for a severe repetitive loss property, the Director may—

“(1) cancel the policy and deny the provision to such policyholder of any new flood insurance coverage under this title for the property; or

“(2) refuse to renew the policy with such policyholder upon expiration and deny the provision of any new flood insurance coverage under this title to such policyholder for the property.

“(I) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to provide assistance under this section each of fiscal years 2004, 2005, and 2006. The amount so used in each such fiscal year may not exceed \$40,000,000 and shall remain available for such purpose until expended or the expiration of the 3-year period under subsection (j), whichever occurs first. After the expiration of such 3-year period, the Director may use amounts from such Fund to provide assistance in connection with any outstanding offers for eligible activities under this section. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

“(J) TERMINATION.—The Director may not provide assistance under this section to any State or community for carrying out eligible activities under this section pursuant to an offer for such activities made after the expiration of the 3-year period beginning on the date of the enactment of the Flood Mitigation Reform Act of 2003.

“(K) REGULATIONS.—The Director shall issue regulations to carry out this section, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of the Flood Mitigation Reform Act of 2003. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules

(notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).’.

(b) AVAILABILITY OF NATIONAL FLOOD INSURANCE FUND AMOUNTS.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (7), by striking “and” at the end; and

(2) by striking paragraph (8) and inserting the following new paragraph:

“(8) for financial assistance under section 1362 to States and communities for taking actions under such section with respect to severe repetitive loss properties, but only to the extent provided in section 1362(i); and”.

(c) INAPPLICABILITY OF ANNUAL LIMITATIONS ON PREMIUM INCREASES IN CASES OF REFUSAL TO MITIGATE.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking “Notwithstanding” and inserting “Except with respect to any increase pursuant to section 1362(g) and notwithstanding”.

(d) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall carry out a study of the pilot program for mitigation of severe repetitive loss properties established under the amendments made by this section. Such study shall determine—

(A) the number of properties for which mitigation activities have been conducted under the program;

(B) the amount of savings to the National Flood Insurance Program as a result of the program;

(C) the number of property owners to whom offers were made for mitigation activities under the program that initially refused such offers; and

(D) the number of owners referred to in subparagraph (C) that eventually accepted such offers.

(2) REPORT.—Not later than Oct. 31, 2006, the Comptroller General shall submit a report to the Congress regarding the results of the study.

SEC. 4. AMENDMENTS TO EXISTING FLOOD MITIGATION ASSISTANCE PROGRAM.

(a) STANDARD FOR APPROVAL OF MITIGATION PLANS.—Section 1366(e)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(c)) is amended by adding at the end the following new sentence: “The Director may approve only mitigation plans that give priority for funding to such properties, or to such subsets of properties, as are in the best interest of the National Flood Insurance Fund.”.

(b) PRIORITY FOR MITIGATION ASSISTANCE.—Section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(c)) is amended by striking paragraph (4) and inserting the following new paragraph:

“(4) PRIORITY FOR MITIGATION ASSISTANCE.—In providing grants under this subsection for mitigation activities, the Director shall give first priority for funding to such properties, or to such subsets of such properties as the Director may establish, that the Director determines are in the best interests of the National Flood Insurance Fund and for which matching amounts under subsection (f) are available.”.

(c) COORDINATION WITH STATES AND COMMUNITIES.—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(c)) is amended by adding at the end the following new subsection:

“(m) COORDINATION WITH STATES AND COMMUNITIES.—The Director shall, in consultation and coordination with States and communities take such actions as are appropriate to encourage and improve participation in the national flood insurance program of owners of properties, including owners of properties that are not located in areas having special flood hazards but are located within the 100-year floodplain.”.

(d) FUNDING.—Section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d(b)) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) in each fiscal year, amounts from the National Flood Insurance Fund not exceeding \$40,000,000;

SEC. 5. FEMA AUTHORITY TO FUND MITIGATION ACTIVITIES FOR INDIVIDUAL PROPERTIES.

(a) IN GENERAL.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following new section:

“GRANTS FOR MITIGATION ACTIONS FOR CERTAIN INDIVIDUAL PROPERTIES

“SEC. 1323. (a) IN GENERAL.—The Director may provide funding for mitigation actions that reduce flood damages to individual properties for which one or more claim payments for losses have been made under flood insurance coverage under this title, but only if the Director determines that—

“(1) such activities are in the best interest of the National Flood Insurance Fund; and

“(2) such activities can not be funded under the program under section 1366 because—

“(A) the requirements of section 1366(g) are not being met by the State or community in which the property is located; or

“(B) the State or community does not have the capacity to manage such activities.

“(b) PRIORITY FOR WORST-CASE PROPERTIES.—In determining the properties for which funding is to be provided under this section, the Director shall consult with the States in which such properties are located and provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time.”.

(b) AVAILABILITY OF NATIONAL FLOOD INSURANCE FUND AMOUNTS.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended by adding at the end the following new paragraph:

“(9) for funding, not to exceed \$10,000,000 in any fiscal year, for mitigation actions under section 1323, except that, notwithstanding any other provision of this title, amounts made available pursuant to this paragraph shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.”.

SEC. 6. TARGETS FOR PARTICIPATION IN FLOOD INSURANCE PROGRAM.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended by adding at the end the following new subsection:

“(d) TARGETS FOR PARTICIPATION.—Not later than December 31, 2004, the Director shall submit to the Congress a detailed plan for increasing the percentage of properties located in areas in which flood insurance coverage under this title is made available that are covered by such insurance. The plan shall describe specific actions to be taken to ensure that such participation is not less than—

“(1) 55 percent as of December 31, 2005;

“(2) 57 percent as of December 31, 2006; and

“(3) 60 percent as of December 31, 2007.”.

SEC. 7. REITERATION OF FEMA RESPONSIBILITY TO MAP MUDSLIDES.

As directed in section 1360(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(b)), the Director of the Federal Emergency Management Agency is again directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of such section 1360, in order to make known the degree of hazard within each such zone at the earliest possible date.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from Florida?

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, I just want to say that this unanimous-consent agreement reflects a very cooperative agreement between the majority and the minority. We have had a chance to go over all this. It is an agreed upon procedure. We have even had a chance to read the bill. And so because this is such a contrast to the Medicare bill and the way it has been handled, I do not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. INSLEE. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. INSLEE of Washington moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) To reject the provisions of subtitle C of title II of the House bill.

(2) To reject the provisions of section 231 of the Senate amendment.

(3) Within the scope of conference, to increase payments by an amount equal to the amount of savings attributable to the rejection of the aforementioned provisions to—

(A) raise the average standardized amount for hospitals in rural and other urban areas to the level of the rate for those in larger urban areas; and

(B) to raise the physicians' work geographic index for any locality in which such index is less than 1.0 to a work geographic index of 1.0.

(4) To insist upon section 601 of the House bill.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2989, DEPARTMENTS OF TRANSPORTATION, AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Florida. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I announce my intention to offer a motion to instruct conferees tomorrow on the bill H.R. 2989, the Departments of Transportation and Treasury and Independent Agencies Appropriations Act of 2004.

The form of the motion is as follows:

Mr. HASTINGS of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to

the bill H.R. 2989 be instructed to recede from disagreement with Senate Amendment 1928 (relating to the provision of \$1,500,000,000 for grants to assist State and local efforts to improve election technology and the administration of Federal elections, as authorized by the Help America Vote Act of 2002).

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained in my district yesterday, but if I had been here I would have voted in the following way: On rollcall vote 628, on ordering the previous question, I would have voted “nay;” on rollcall vote 629, on agreeing to H. Res. 443, I would have voted “no;” on rollcall vote 630, H.R. 6, I would have voted “yea;” on rollcall vote 631, on agreeing to the energy and water conference report, I would have voted “aye;” on rollcall vote 632, H.R. 1274, I would have voted “aye;” and on rollcall vote 633, on the motion to instruct conferees on H.R. 2417, I would have voted “aye.”

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Ms. HOOLEY of Oregon. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. HOOLEY of Oregon moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) To reject the provisions of subtitle C of title II of the House bill.

(2) To reject the provisions of section 231 of the Senate amendment.

(3) Within the scope of conference, to increase payments for physician services by an amount equal to the amount of savings attributable to the rejection of the aforementioned provisions.

(4) To insist upon section 601 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Oregon (Ms. HOOLEY) and the gentleman from Florida (Mr. FOLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon (Ms. HOOLEY).

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Ms. HOOLEY of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand here in the well of the people's House today to offer a motion to instruct the conferees of the Medicare prescription drug bill to provide a much-needed payment update to physicians for the next 2 years and eliminate provisions that would privatize Medicare.

Right now, as we speak, doctors are faced with the tough choices of treating patients, old friends and new patients alike, or turning them away since the reimbursements under the Medicare program have not kept pace